## Basic information

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<th>COD - Ordinary legislative procedure (ex-codecision procedure)</th>
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Provision of port services and financial transparency of ports: enabling managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak

Amending Regulation 2017/352 [2013/0157(COD)]

Subject

- 2.40 Free movement of services, freedom to provide
- 2.40.02 Public services, of general interest, universal service
- 2.80 Cooperation between administrations
- 3.20.03 Maritime transport: passengers and freight
- 3.20.09 Ports policy
- 4.20 Public health
- 4.20.01 Medicine, diseases

Legislative priorities

- The EU's response to the Covid-19 pandemic

## Key players

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<th>European Parliament</th>
<th>Committee responsible</th>
<th>Rapporteur</th>
<th>Appointed</th>
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<td>TRAN Transport and Tourism</td>
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| Council of the European Union | European Economic and Social Committee | European Committee of the Regions |

## Key events

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<td>Legislative proposal published</td>
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<td>04/05/2020</td>
<td>Decision by committee, without report</td>
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<td>25/05/2020</td>
<td>Act adopted by Council after Parliament's 1st reading</td>
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<td>25/05/2020</td>
<td>Final act signed</td>
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<td>End of procedure in Parliament</td>
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<td>27/05/2020</td>
<td>Final act published in Official Journal</td>
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## Technical information

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<th>Procedure reference</th>
<th>2020/0067(COD)</th>
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<td>Procedure type</td>
<td>COD - Ordinary legislative procedure (ex-codecision procedure)</td>
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2020/0067(COD) - 29/04/2020 Legislative proposal

PURPOSE: to enable managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak.


ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council.

BACKGROUND: the outbreak of COVID-19 is having a serious impact on maritime transport and on the financial sustainability of operators and is likely to continue to have an impact throughout 2020.

Regulation (EU) 2017/352

of the European Parliament and of the Council requires Member States to ensure that port infrastructure charges are levied by a managing body of a port or by a competent authority. There is no exception from this obligation to levy charges, not even in exceptional circumstances.

However, in view of the consequences of the COVID-19 outbreak, it is appropriate to allow Member States to provide the managing bodies of a port or the competent authorities with the possibility to waive, suspend, reduce or defer the payment of port infrastructure charges due for the period from 1 March 2020 to 31 December 2020.

CONTENT: the Commission therefore proposes to amend Regulation (EU) 2017/352 which establishes a framework for the provision of port services and common rules on the financial transparency of ports.

It is proposed that the new transitional provision shall provide Member States with the option to allow managing bodies of a port or competent authorities to decide whether to:

- waive (condone, i.e. not require the payment at all); or
- suspend (freeze or put on hold the payment for a certain time period); or
- reduce (decrease the payment); or
- defer (require the payment at a later point in time) the payment of the port infrastructure charges.

As the duration of the impact on maritime transport of the outbreak of COVID-19 is uncertain and in order to allow for sufficient flexibility for the sector, the new transitional provision shall apply to port infrastructure charges due for the period between 1 March 2020 and 31 December 2020.

This new provision also stipulates that the managing body of a port or the competent authority shall ensure that port users and the representatives or associations of port users are informed accordingly. The time limit of two months referred to in Regulation (EU) 2017/352 shall not apply.
The European Parliament adopted by 531 votes to 141, with 16 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2017/352, so as to enable managing bodies or competent authorities to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak.

It should be noted that a proposal to reject the Commission proposal, tabled by the Green/EFA group, was rejected in plenary.

Parliament adopted its position at first reading under the ordinary legislative procedure. As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act.

The proposed Regulation aims at ensuring the financial stability of ship operators in the context of the COVID-19 outbreak by relaxing the current rule requiring Member States to ensure the payment of port infrastructure charges.

In view of the consequences of the COVID-19 outbreak, the new transitional provision provides the managing bodies of a port or the competent authorities with the possibility to waive, suspend, reduce or defer the payment of port infrastructure charges due for the period from 1 March 2020 to 31 December 2020.

The waiver, suspension, reduction or deferral of the port infrastructure charge must be granted in a transparent, objective and non-discriminatory way to all port users subject to port infrastructure charges.

2020/0067(COD) - 27/05/2020 Final act

PURPOSE: to ensure the financial sustainability of ship operators in the context of the COVID-19 pandemic by introducing temporary flexibility in port services.

LEGISLATIVE ACT: Regulation (EU) 2020/697 of the European Parliament and of the Council amending Regulation (EU) 2017/352, so as to allow the managing body of a port or the competent authority to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak.

CONTENT: under Regulation (EU) 2017/352 of the European Parliament and of the Council, Member States are required to ensure that port infrastructure charges are levied.

The spread of COVID-19 is having a serious negative impact on the shipping industry. The serious consequences for maritime transport services and the use of port infrastructure have been pervasive since the beginning of March 2020 and are expected to continue throughout 2020.

In this context, the new transitional provision introduced gives the manager of a port or the competent authority the possibility to decide to waive, suspend, reduce or defer the collection of port infrastructure charges for the period from 1 March 2020 to 31 October 2020.

The port manager or the competent authority shall ensure that port users and representatives or associations of port users are informed accordingly.

The waiver, suspension, reduction or deferral of the payment of port infrastructure charges shall be granted in a transparent, objective and non-discriminatory way.

The provisions of the Regulation shall also apply to port infrastructure charges due for a period prior to its entry into force.